



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: May et al. ATTY. DOCKET NO.: 112701-029
SERIAL NO.: 09/230,623 GROUP ART UNIT: 1761
FILING DATE: June 14, 1999 EXAMINER: S. Weinstein
TITLE: "MULTI-LAYERED CANNED PET FOOD"

Assistant Commissioner of Patents
Washington, D.C. 20231

RESPONSE

S I R:

Please enter the following Response in the above-identified patent application:

REMARKS

This Response is submitted in response to the Office Action mailed on April 3, 2001. The Office Action rejects Claims 1-10 under 35 U.S.C. §103 in view of a combination of a number of references. Applicants respectfully submit, for the reasons set forth below, that the rejection is not proper and therefore should be withdrawn.

Claims 1-10 stand rejected under 35 U.S.C. §103 as being unpatentable over *Ohba* in view of alleged Applicants' admissions, *Poppel et al.* and further in view of *Quaker Oats*, *Hillebrand*, *McMahon*, *QP Corp (Jap '174)*, *QP Corp ('677)*, *Errass*, *Henkel*, and further in view of *Waldburger ('254)*, *McGonigle ('174)*, *Cease ('537)*, *Bliley ('086)*, *Stover ('245)* and *Rogers, et al. ('094)*. Accordingly, the claims now stand rejected as being obvious in view of sixteen (16) references! Applicants respectfully submit that this rejection is not proper either as a matter of law or fact.

The claimed invention provides in Claims 1-9, a canned pet food and in Claim 10 a process for producing a canned pet food. More specifically, independent Claim 1 claims a base

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